

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference OZ 03053 WO-A	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/009411	International filing date (day/month/year) 23.08.2004	Priority date (day/month/year) 22.08.2003
International Patent Classification (IPC) or national classification and IPC B23B27/16, B23C5/22		
Applicant CERAMTEC AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of the report
<p>1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p> <p>2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):</p> <p><input type="checkbox"/> the international application as originally filed/furnished <input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-4</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>1-10</u> _____ as originally filed/furnished</p> <p>nos.* _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input type="checkbox"/> the drawings:</p> <p>sheets _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p> <p>3. <input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (specify): _____ <input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p> <p>4. <input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____ <input type="checkbox"/> the claims, nos. _____ <input type="checkbox"/> the drawings, sheets/figs _____ <input type="checkbox"/> the sequence listing (specify): _____ <input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>	

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	3, 8	YES
	Claims	1, 2, 4-7, 9, 10	NO
Inventive step (IS)	Claims		YES
	Claims	1-10	NO
Industrial applicability (IA)	Claims	1-10	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: WO 03/015968 A (SUMITOMO ELECTRIC INDUSTRIES)
 27 February 2003 (2003-02-27)
 and EP 1435271

D2: EP-A-1 023 961 (JAKOB LACH GMBH & CO KG)
 2 August 2000 (2000-08-02)

D3: DE 102 08 266 A (CERAM TEC AG INNOVATIVE CERAMI) 13 February 2003 (2003-02-13)

D4: WO 02/26428 A (GREENLEAF TECHNOLOGY CORP (US)) 4 April 2002 (2002-04-04)

D5: EP-A-0 571 914 (SUMITOMO ELECTRIC INDUSTRIES)
 1 December 1993 (1993-12-01)

In this report the text references with regard to D1 refer to document EP 1435271.

2 INDEPENDENT CLAIM]

2.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 lacks novelty (PCT

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Article 33(2)).

Document D1 discloses (the references between parentheses refer to that document):

a tool tip made of a CBN composite (§1), the tool tip having a clamping cavity (3) (figure 6). It should be noted that D1 also implicitly discloses a tool tip made of PCBN.

3 INDEPENDENT CLAIM 4

3.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 4 lacks novelty (PCT Article 33(2)).

Document D2 discloses (the references between parentheses refer to that document):

a method that is suitable for producing a CBN tool tip with clamping cavity, in which the relevant contour of the clamping cavity is formed by suitable shaping of the green product and the green product thus produced is dried and sintered (column 2, lines 37-39).

4 INDEPENDENT CLAIM 5

4.1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 5 lacks novelty (PCT

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Article 33(2)).

Document D1 discloses (the references between parentheses refer to that document):

a method that is suitable for producing a CBN tool tip with clamping cavity, in which the relevant contour of the clamping cavity is formed in the tool tip following sintering (§18).

4.2 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 5 lacks novelty (PCT Article 33(2)).

Document D2 discloses (the references between parentheses refer to that document):

a method that is suitable for producing a CBN tool tip with clamping cavity, in which the relevant contour of the clamping cavity is formed in the tool tip following sintering (column 2, lines 30-37; claim 9).

5 DEPENDENT CLAIMS 2, 3, 6-10

Claims 2, 3 and 6-10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

The additional features of these claims are either

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already known from D1 or D2 or are obvious from a combination of those documents with one of documents D3 - D5; see the relevant passages of text cited in the search report.